

**City of Eau Claire
Plan Commission Minutes
Meeting of December 5, 2016**

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Brenholt, Granlund, Larsen, Seymour, Pederson, Radabaugh, Weld
Ms. Ebert and Ms. Mitchell

Staff Present: Messrs. Tufte, Ivory, Genskow, Petrie, Johnathan, Chwala

The meeting was chaired by Mr. Weld.

1. **REZONING (Z-1589-16) – Street Tree Amendment**

Mr. Tufte presented an amendment to Section 8.20.100 entitled, "Trees and Shrubs Prohibited" and updates to the list for plantings. The second amendment to the site plan chapter of the zoning code requires site plan review of single-family homes and updates the City's Landscape Manual. The amendments are proposed for providing street trees with new single-family development. A street tree is a tree planted within the boulevard area of the public right-of-way which is usually the area between the street and sidewalk. Staff met with representatives from the Homebuilders Association to review these amendments and noted they liked the options of planting their own trees or having the city plant for a fee.

No one spoke for this agenda item.

Mr. Granlund moved to recommend approval of the street tree amendment to the ordinances. Seconded by Mr. Seymour and motion carried 8-1 (Mr. Pederson voted nay).

2. **CONDITIONAL USE PERMIT (CZ-1623) – Electronic Message Center Wall Sign, 1711 S. Hastings Way**

Mr. Ivory presented a request to allow an electronic message center wall sign that exceeds 50 square feet in size and is within 200 feet of another electronic message center sign located at 1711 S. Hastings Way. He also discussed the review criteria contained in the ordinance that the Plan Commission should consider. The proposed 7'10" x 10'11" (86 square foot) message center would replace an existing message center sign that is 4'1" x 11'2" (46 square feet). Currently, this is the only sign on the building and the site does have a pole sign. Also, the proposed sign is located approximately 185 feet northeast of a ground sign for CVS which has an electronic message center. The Commission approved this sign with the condition that the message display not change more often than once per 60 seconds, and that the colors red, green, and amber not be used in the message display.

This is the first application relating to a message center wall sign exceeding 50 square feet in size. The size of the proposed wall sign is within the wall sign standards in a C-3 district. However, staff has concerns about the size of the sign as a message center in relation to the scale of the building and its location to the intersection.

Kevin Erickson with La Crosse Sign Company spoke in support of the new message center sign. He noted that Country Jam would like to display the groups and bands on the sign for the public.

Plan Commission members held a discussion in regards to their concerns of the size and location for the new message center sign, scale of the building in comparison to the new sign, and the impact of the traffic that could occur near the intersection.

Mr. Radabaugh moved to approve the conditional use permit subject to the conditions of the staff report. Seconded by Ms. Ebert and motion failed 7-2 (Mr. Brenholt, Mr. Granlund, Mr. Larsen, Mr. Pederson, Mr. Radabaugh, Mr. Weld and Ms. Mitchell voted nay).

3. **CONDITIONAL USE PERMIT (CZ-1624) – Public Utility Tower, 300 E. Hamilton Avenue**

Mr. Tufte presented a request to allow for a public utility tower (cell tower) in an R-1 zoning district located at 300 E. Hamilton Avenue. The conditional use permit is for a new 120-foot monopole cell tower within a fence enclosure located north of a previous cell tower on this site which has now been removed. The fence enclosure is 60' x 80' in size and shows room for four utility huts/equipment areas. The Commission previously denied this request with its main concern being a cell tower already existing on this site. This tower has been removed and allows the Commission reconsideration of this request. He noted from the staff report, the 14 standards of Section 18.35.050 W of the conditional use permit.

Applicant, Rodney Carter with Husch Blackwell, spoke in support of the request and noted that this tower will service the large residential area. He noted that this tower will be able to support other carriers in the future.

Shane Bagley with Central States Tower noted that he worked with the previous existing cell tower and the property owner to get the tower removed.

Mr. Pederson moved to approve the conditional use permit subject to the conditions of the staff report. Seconded by Ms. Mitchell and motion carried.

4. **PRELIMINARY PLAT (P-8-16) – Westover Woods**

Mr. Tufte presented a request to approve the preliminary plat for Westover Woods located on Westover Road and State Street. The preliminary plat shows seven lots with two lots accessed from State Street and the remaining five lots accessed from Westover Road. Utility easements have been sent to Xcel Energy, AT&T and Charter cable TV and will be shown on the final plat.

Applicant, Scott Kramer with Kramer Land Design Studio spoke in favor.

Mr. Brenholt moved to approve of the preliminary plat subject to the conditions of the staff report. Seconded by Mr. Radabaugh and motion carried.

5. **EASEMENT – Dedication of Easement, Jeffers Road**

Mr. Genskow presented a request to allow an easement for Xcel Energy along Jeffers Road. The electrical distribution would be 3-4 feet underground and Xcel Energy would assume the costs. Xcel Energy would allow the city to connect to the electric utility if needed in the future.

No one spoke for this agenda item.

Ms. Mitchell moved to recommend approval of the easement. Seconded by Mr. Radabaugh and motion carried.

6. **EXCESS LAND – 2819 Third Street**

Mr. Johnathan presented a request from the City Housing Division to sell a home located at 2819 Third Street. The property owner had received two rehabilitation loans through the Community Development Block Grant for \$43,500 plus fees and expenses of \$4,600, totaling \$48,100. The owner passed away in 2015 leaving no assets to pay the loans. The Housing Division purchased the house through the Sherriff's sale for \$48,100. The Housing Division accepted a bid for \$61,614 and would recommend approval to sell the property.

No one spoke to this agenda item.

Mr. Radabaugh moved to recommend approval of the sale of excess land. Seconded by Ms. Ebert and motion carried.

7. **SITE PLAN (SP-1630) – Multi-tenant building, West side of London Road, North of Golf Road**

Mr. Tufte presented a request to approve a site plan to allow for a multi-tenant commercial building located on the west side of London Road, north of Golf Road. This appears to be the first building, among potentially three additional buildings to the north along London Road. The site plan shows an 11,200 square foot building with storage to the rear of the building. The total leasable area for the center is approximately 8,056 square feet. The site plan shows 35 parking stalls with a required parking of 32 spaces.

Applicant, Scott Kramer with Kramer Land Design Studio stated that a CSM will be created prior to the next building and would like to keep the existing 38-foot wide driveway.

Ms. Mitchell moved to approve the site plan subject to the conditions of the staff report except for the requirement of a CSM. Seconded by Mr. Radabaugh and motion carried.

8. **SITE PLAN (SP-1651) – Ice Rink, Northwest corner of Riverfront Terrace and N. Barstow Street**

Mr. Tufte presented a request to approve a site plan to allow for an ice rink to be located east of the new parking ramp. The City is proposing to build a temporary and seasonal skating rink on the site. It would be approximately 9,000 square feet in size with an estimated parking requirement of 45 stalls. These stalls are available within the new parking ramp and the railroad parking lot across the street. Seating for 12 persons will be provided and lighting would be added if necessary.

No one spoke to this agenda item.

Mr. Seymour moved to approve the site plan. Seconded by Mr. Larsen and motion carried.

9. **SITE PLAN (SP-1652) – Marshfield Clinic – Hospital and Sign Plan, 1202 W. Clairemont Avenue**

Mr. Radabaugh lefted his seat on the Commission.

Mr. Tufte presented a request to approve a site plan to allow for a hospital and sign plan for Marshfield Clinic located at 1202 W. Clairemont Avenue. The proposal is for a 44-bed hospital and the building is four-story with a fifth floor for mechanical area. The master site plan shows a future 116-bed hospital by adding floors to the building. The master plan shows the development of the property in three phases. Phase one will be the Cancer Center which is

approved; phase two is for the hospital and phase three will be the link of the hospital to the Marshfield Clinic to the north which will be reviewed with a future site plan. The hospital is shown on the site plan having a tunnel link to the Cancer Center. Staff would consider this link between the two buildings as a single structure allowed on one lot.

The site plan shows a 44-bed hospital with a required parking of 66 stalls with the site plan showing 97 stalls. The helipad location is within the 70-foot setback area along the frontage road. It is not a structure and thus allowed within this setback. The landscape plan notes a mixture of foundation, street trees and parking lot trees. Marshfield Clinic has included a sign plan for the proposal and based on the number of street frontages for the building, the number of allowable wall signs is consistent with the request. Ground signs will need to meet the setback requirements and the number of ground signs are permitted upon approval of the sign plan. The proposed roof sign is not allowed. All the proposed signs will need to meet C-3H zoning standards and are reviewed with permits.

Lisa Fleming with Ayres Associates and James Colburn with Marshfield Clinic stated support for the project. The traffic impact analysis (TIA) is in review by the Wisconsin Department of Transportation and by the City Engineering Department. The helipad location is currently under review with the City and State.

Nathan Zolik with Godfrey and Kahn, representing HSHS St. Joseph's Hospital, noted that this site plan is not within a planned development zoning but should be under the zoning code. The Cancer Center and Hospital is not an accessory structure but rather two principal buildings on one lot. He noted that the parking requirements are a concern for the entire campus.

Steven Anderson with Ruder Ware Law Firm, representing Marshfield Clinic, noted that this hospital and Cancer Center are connected by a tunnel. The hospital is a permitted use within the current zoning of the property. He noted that his client is willing to work with the City on the conditions and about the traffic impact of the area.

Randall Davis, 1617 Warden Street, spoke in support of the site plan and of Marshfield Clinic.

David Mortimer, 304 6th Avenue, noted concerns about the proposed hospital because Marshfield Clinic will not be providing services for behavioral health care but rather general medical and cancer care. The new hospital could impact the entire community and this agenda item should be postponed until further review.

Nathan Meyer, 2705 Irene Drive, as a small business owner does not understand why two hospital organizations cannot get along and has a hard time understanding why Sacred Heart is against this proposal. He noted that more competition should lower the price of the care.

Donald Sherman, 1215 S. Dewey Street, noted concern with having another hospital within a given area and that the Chippewa Valley already has too many others in the area.

John Folstad, 3645 Nimitz Street, noted concern about the traffic and the intersection off Craig Road and Clairemont Avenue. He also stated concern with the delivery area between the Pizza Hut and the volume of traffic impact near the intersections.

Julie Manas, with HSHS St. Joseph's Hospital, is concerned about the need for another hospital. She noted concerns about the costs and the insurance that is accepted for each. She feels this new hospital does not meet the needs of the community and that this site plan should be a planned development review.

Alicia Klein, 617 Dover Street, Chippewa Falls, is concerned with the cost of medical and lower co-pay on a recent surgery that occurred recently and stated that Marshfield Clinic was much lower than any other clinic in the area.

Jeff Halloin, 4113 Birch Crest Lane, noted that this review shall be fair and receive the proper planning process. He noted that the development agreement will require Council review.

Katherine Schneider, 222 McKinley, noted her worries about Marshfield Clinic not willing to provide any mental health care. She stated that will be left for others to provide the services.

Scott Polenz, District Administrator with Marshfield Clinic, stated that the use is permitted and the project fits with the existing land use. They are moving their services over with the cancer center and they project it should not hurt care or costs. He noted the need for new facilities to provide the best quality of care.

Mike Wittenwyler with Godfrey and Kahn stated concern about the process and should submit as a planned development. He noted that the full development should be in a full hospital campus development.

The Commission had a discussion about this site plan, comments that were made, also noted the tasks and role of the Commission for site plan review.

Ms. Mitchell moved to approve the site plan and sign plan subject to the conditions of the staff report. Seconded by Ms. Ebert and the motion carried.

10. **DISCUSSION/DIRECTION**

Mr. Radabaugh returned his seat.

A. Sign Code Amendment

Mr. Ivory noted at the November 14 meeting, the Commission directed staff to draft a proposed amendment to the sign code that would allow projecting signs for businesses located within multiple tenant buildings, in addition to existing allowances for wall signs. Also the Commission directed staff to make allowances for ATM signs as projecting signs. Staff was directed to schedule the public hearings and contact the BID and DECI boards to inform them about the public hearings.

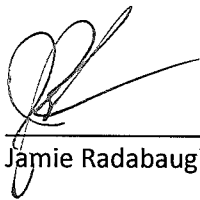
Mr. Ivory also noted that the implementation section of the Comprehensive Plan identifies that the City should consider an update of the sign code in 2018. The primary purpose of the update is to address a ruling of the U.S. Supreme Court from 2015 relating to a case in Arizona that involved the display of temporary signs. Upon review of this court case, the City Attorney and City Manager have asked staff initiate drafting amendments for consideration in 2017. The changes are related to temporary sign provisions and staff is in the process of reviewing the entire sign code for compliance. Staff has also identified several other updates to the code that should be discussed.

The Plan Commission determined that they would review the proposal changes as part of their regular meetings and consider the changes related to the court case and the other changes as two separate processes.

- B. Code Compliance Items
None.
- C. Future Agenda Items
None.
- D. Additions or Corrections to Minutes
None.

11. **MINUTES**

The minutes of the meeting of November 14, 2016 were approved.

A handwritten signature in black ink, appearing to read 'JR', is written over a horizontal line.

Jamie Radabaugh, Secretary